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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JENNETTE LYNN STANCY,
Plaintiff,
v.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of five thousand dollars (\$7,500.00) and costs in the amount of four hundred two dollars (\$402.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of any assignment of EAJA fees by Plaintiff to her counsel Melissa Markos Nyman,

(Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff. Any payments made shall be delivered to Counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA .

Dated: December 7, 2023

/s/ Melissa Markos Nyman*
MELISSA MARKOS NYMAN
Attorney for Plaintiff
*Authorized via e-mail on 12/6/23

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

By: /s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$ 7,500.00 as authorized by 28 U.S.C. § 2412, and costs in the amount of \$402.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

DATED: December 7, 2023

Troy L. Nunley

Troy L. Nunley
United States District Judge